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 Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ARIZONA

United States of America,
 Plaintiff,

vs.

Frederick Albert Narcho,
 Defendant.

Case No CR 97-162-TUC-RCC/HCE-03
 Case No CR 98-937-TUC-RCC/HCE
 Case No CR 06-1183-TUC-RCC/HCE

**MOTION TO CONTINUE
 EVIDENTIARY HEARING**

(1st Request)

It is expected excludable delay as defined in 18 U.S.C. §3161(h)(8)(A) and (B)(1) and (iv), applicable to Fed.R.Crim.Proc., Rule 32.1(b)(2), will occur as a result of this motion or any order based thereon.

Defendant, FREDERICK ALBERT NARCHO, through Jon M. Sands, Federal Public Defender, by Heather E. Williams, Assistant Federal Public Defender, makes his first request for continuance of the evidentiary hearing set for June 19, 2009 at 9:10 a.m. The continuance is necessary for the following justifiable reasons:

1. Defense counsel will be out of district on the presently scheduled hearing date.
2. Therefore, only a brief continuance is requested.
3. Assistant United States Attorney Jerry Albert has no objection to the requested continuance.

Based on the above reasons, Defendant asks he be granted a continuance of the

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1 evidentiary hearing.

2 SUBMITTED: June 12, 2009.

3 JON M. SANDS
4 Federal Public Defender

5 */s/ Heather E. Williams*
6 HEATHER E. WILLIAMS
7 Assistant Federal Public Defender

8 Copy to:

9 JERRY ALBERT
10 Assistant United States Attorney
11 Tucson, Arizona

12 DAVID FORSBERG
13 United States Probation Officer
14 Tucson, Arizona